

1 BILL NO. G-84-11-21

2 SPECIAL ORDINANCE NO. G-

35-84

3 AN ORDINANCE adding a chapter to the
4 Municipal Code of the City of Fort
5 Wayne, Indiana, dealing with sign
and awning requirements for the Calhoun
Street Mall.

6 WITNESSETH:

7 WHEREAS, the City has developed the Calhoun Street Mall
8 in furtherance of its efforts to enhance and upgrade the Calhoun
9 Street shopping environment and to beautify and improve downtown
10 Fort Wayne;

11 WHEREAS, so that there may be adequate business identi-
12 fication and advertising for businesses within the Calhoun Street
13 Mall in a fashion that protects property values, preserves archi-
14 tectural integrity and enhances the physical appearances of the
15 areas, a sign and awning ordinance is necessitated; and

16 WHEREAS, such a sign and awning ordinance shall become
17 part of the Municipal Code so that proper and uniform enforcement
18 may be accomplished.

19 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
20 THE CITY OF FORT WAYNE, INDIANA:

21 There is hereby added to the Municipal Code of the City
22 of Fort Wayne, Chapter 3.5 entitled "Calhoun Street Sign and Awning
23 Ordinance." Said ordinance is as follows:

24 CALHOUN STREET MALL SIGN AND AWNING ORDINANCE

25 Sections:

- 26 3.5-1: Purpose and Intent
27 3.5-2: Applicability
3.5-3: Establishment of Sign District and Design
Criteria
28 3.5-4: Definitions
3.5-5: Sign Classification and Design Criteria
29 3.5-6: Non-Conforming Signs
3.5-7: Certificate of Approval
30 3.5-8: Sign Review Board
3.5-9: Enforcement
31 3.5-10: Penalties
3.5-11: Severability
32

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SECTION 3.5-1 - Purpose and Intent

The purpose of this Ordinance is to promote the public health, safety, and welfare of the citizens of Fort Wayne by establishing standards and regulations for signs within the Calhoun Street Sign District boundaries as referenced in Section 3.5-3 hereof. It is the intent of this Ordinance to provide for adequate business identification, advertising, and communication while creating a more positive economic and business environment through the protection of property values, the preservation of architectural integrity of the buildings, and the enhancement of the physical appearance of the area.

SECTION 3.5-2 - Applicability

All signs within the Calhoun Street Sign District shall be governed by the standards and regulations set forth in this Ordinance.

SECTION 3.5-3 - Establishment of Sign District

The area of Calhoun Street between Berry Street and Washington Street shall be known as the Calhoun Street Sign District. The boundaries of this District shall be more particularly described as follows:

Subdivision 1, 2, 3, 4, 5, 6 of Lot 106, lots 107, 108, 128, 129, 130, 131, and the east 20 feet of lot 132, 167, 168, 188, 189 and 190 of Original Plat; lots 1, 2, 3, 4, 5, 6, 7 of Wolke's Subdivision; lots 1, 2, 3, 4, 5, 6, 7, 8 of Schmitt's Subdivision and shall extend to the centerline of all contiguous public right-of-way of said lots. See attached map made a part hereof.

SECTION 3.5-4 - Definitions

For the purpose of this ordinance, the following words and terms are defined:

- A. "Awning" - A rooflike cover extending before a building that is not permanently affixed to the building.

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B. "Certificate of Approval" - A document showing that a sign proposal has met the Sign Review Board's approval.

C. "Sign" - Any name, identification, description, display, logo, or symbol which is affixed to, hung on, painted, represented directly or indirectly upon a building (including a window/door area) or structure which is in view of the general public and which directs attention to a person, place, product, activity, institution, organization, or business. Included within the definition of sign are the following types of signs:

- (1) Awning Sign - Any sign which is located on an awning.
- (2) Banner Sign - Any sign made of lightweight material either enclosed or not enclosed in a rigid frame, which may allow the movement of the sign by the air.
- (3) Building Identification Sign - Any sign which states only the name of the building itself and is an integral part of the architecture.
- (4) Business Identification Sign - Any sign which identifies the person, the establishment, the principal product and/or service available at a business.
- (5) Construction Sign - Any sign giving the name(s) of architects, contractors, financiers, and others responsible for the construction on the site where the sign is placed.

- (6) Copyrighted Signs - Any sign offering information or incidental services such as VISA, MasterCard, AAA, FSLIC, etc.
- (7) Directory Sign - Any sign on which the names and locations of occupants is given.
- (8) Freestanding Sign- Any sign which is not attached to a building but is supported on poles, frames, or other similar structures. The sign may or may not be portable.
- (9) Off-Premise Sign - Any sign located on premises other than those of the business or activity it is intended to describe or identify.
- (10) Permanent Sign - Any sign intended to be erected and maintained for more than thirty (30) days.
- (11) Projecting Sign - Any sign which projects from and is supported by, or attached to, a wall, roof, or canopy of a building.
- (12) Real Estate Sign - Any sign which is used to offer for sale or lease the property upon which the sign is located.
- (13) Roof Sign - Any sign erected entirely upon or over the roof of any building and supported solely on the roof structure.
- (14) Temporary Sign - Any sign that is erected and maintained for not more than thirty (30) days, except for temporary business identification signs which shall be allowed for sixty (60) days.
- (15) Trademark Sign - Any sign which shows registered trademarks or portrayals of specific commodities.

(16) Wall or Flat Sign - Any sign attached to and erected parallel to the building face. This includes individual letters applied to the building face.

(17) Window/Door Sign - Any permanent sign painted, gold-leafed, or attached onto the glass area or installed behind a window for viewing through the window from the outside of the premises.

SECTION 3.5-5 - Sign Classification and Design Criteria

A. Permitted Signs - No Certificate of Approval Necessary.

(1) Building Identification Signs - One sign per building provided the sign does not exceed three (3) square feet in area.

(2) Construction Signs - One sign per building or site which is under construction, structural alteration, or repair provided the sign shall not exceed nine (9) square feet in area. Signs shall be removed within seven (7) days after completion of construction, structural alteration, or repair.

(3) Copyrighted Signs - These shall be aggregated together and placed in an unobtrusive location on a window or door area of a business.

(4) Plaques - Commemorative or historical plaques not to exceed three (3) square feet in area.

(5) Public Signs - Commemorative or historical plaques not to exceed three (3) square feet in area.

(6) Real Estate Signs - One sign per property for sale, rent, lease, or exchange of property not to exceed nine (9) square feet in area.

Signs shall be removed within seven (7) days of agreement concerning sale, rent, lease, or exchange of property.

(7) Temporary Signs -

(a) Special Event - Non-electric temporary signs easels, etc., for use during a special Mall-wide event such as an art show, bargain days or the like shall be allowed only during the event or sale. Signs must be constructed in a sturdy fashion and placed so as not to impede pedestrian circulation. Signs must be taken inside at the end of each business day during the event.

(b) Window Signs and Displays - Any sign/display temporarily attached to a window and displayed to call attention to a temporary sale of merchandises, change in status of business, grand opening, or the like.

(c) Business Identification Sign - Any temporary sign erected while a business is undergoing construction or renovation which prohibits placement of a permanent sign until a later date. The temporary sign may not exceed the anticipated size of the permanent sign. If a temporary business identification sign should remain longer than sixty (60) days, a Certificate of Approval shall be required.

B. Permitted Signs - Certificate of Approval
Necessary.

(1) A Certificate of Approval is required for all signs not permitted by Section 3.5-5-A and not prohibited by Section 3.5-5-C.

(2) Permitted signs shall only identify the person, the establishment, the principal product, and/or service available on the premises which contains the sign.

(3) Illumination of signs is permitted. Lighting source, design, and placement shall be compatible with the sign and business type.

(4) Wall or Flat Signs shall meet the following criteria:

(a) One permanent sign per establishment unless the business is located on a corner lot, then one sign per street frontage.

(b) The sign shall not protrude more than twelve (12) inches from the building face.

(c) The sign shall be compatible with the architectural detailing (such as windows, pilasters, cornices, decorative work) of the building on which it is located.

(d) Where a signboard area exists, the sign shall be placed on the signboard area between the ground floor and second story.

(e) Businesses on upper floors shall be limited to a non-luminous wall sign not to exceed four (4) square feet in area.

(5) Window/Door Signs shall meet the following criteria:

(a) One permanent sign shall be allowed per window or door.

(b) The area of a permanent window sign will be limited to twenty-five (25) percent of each window area, except in the case of a door sign which may be fifty (50) percent of the glass area.

(6) Awnings and Awning Signs shall meet the following criteria:

(a) Awnings shall be made of canvas, vinyl-coated canvas, woven acrylic, or other suitable outdoor fabric. Metal, plastic, or other rigid materials are prohibited unless an integral part of the original design of the building.

(b) Signs must be painted, printed, stamped upon, or otherwise made integral to the awning.

(c) The lower edge of any awning shall be at least seven (7) feet above the sidewalk.

(d) An awning or awning sign shall not project more than six (6) feet from the building facade.

(7) Directory Signs shall meet the following criteria:

(a) One permanent sign per building.

(b) The sign shall be flush-mounted and no larger than four (4) square feet.

C. Prohibited Signs

The following sign types are prohibited by this Ordinance in the Calhoun Street Sign District:

(1) Projecting Signs.

(2) Roof signs.

(3) Billboards and other off-premise signs.

(4) Free-standing signs, except as part of a special event.

(5) Signs that are painted directly on a building surface.

(6) Blinking, flashing, or moving signs other than barber poles.

(7) Banner Signs, except those that are an integral part of the Mall's banner pylons.

(8) Obsolete signs - Any sign which advertises or relates to a business no longer on the premise shall be required to be removed within one month of the time the business vacates the building. The owner of the building shall be responsible for accomplishing this.

(9) Trademark signs, unless the trademark represents the principle product or service sold or conducted on the premises.

SECTION 3.5-6 - Non-Conforming Signs

A. Legal Non-Conforming Signs - Any sign located within the Calhoun Street Sign District on the

effective date hereof is permitted to remain provided the sign was authorized by any necessary permits or a variance prior to the date of the passage of this Ordinance, if one was required application shall be forwarded to the Sign Review Board for consideration at the next regularly scheduled meeting. To help the Board in reviewing the application, the applicant shall submit the following:

- B. Loss of Legal Non-Conforming Status - Not withstanding Section 3.5-6-A, a sign that is prohibited by this ordinance or that does not conform

to the standards set forth in this ordinance shall immediately lose its legal status if:

- (1) The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance).
- (2) The sign is relocated.
- (3) The sign is replaced.
- (4) The sign has not been repaired or properly maintained within one month after notice to that effect has been given by the Director of Community Development and Planning or a designated representative.

SECTION 3.5-7 - Certificate of Approval

- A. All signs within the Calhoun Street Sign District that were not affixed to buildings on the effective date of this Ordinance shall require a Certificate of Approval unless they are exempt under Section 3.5-6-A. Furthermore, a Certificate of Approval is required before:
- (1) An existing sign can be altered or relocated.
 - (2) A new sign can be constructed and installed.

B. Application Prodecure - Application for a Certificate of Approval shall be made to the Department of Community Development and Planning. The application shall be forwarded to the Sign Review Board for consideration at the next regularly scheduled meeting. To help the Board in reviewing the application, the applicant shall submit the following:

- (1) Plans showing the placement of the sign on the building on which it will be located.
- (2) A rendering of the sign drawn to scale showing the area, dimensions, materials, color, and character of the sign.
- (3) A photograph showing the building in which the sign will be located and the neighboring buildings.
- (4) A cross-section showing the method of fastening or supporting the sign.
- (5) In the case of an awning or awning sign, the vertical distance between the awning and the sidewalk, and the horizontal distance from the outside edge of the awning to the building facade must be shown.

C. Review of Application - In reviewing the application, the Sign Review Board shall consider the following:

- (1) The compliance of the sign with the provisions of this Ordinance.
- (2) The clarity and legibility of the sign's message.

2 (3) The relationship and compatibility of the
3 sign with the character of the building on
4 which it will be located.

5 (4) The relationship and compatibility of the
6 sign with adjacent structures and public
7 spaces.

8 D. Approval of Application. Once the sign appli-
9 cation has been reviewed and approved by the
10 Sign Review Board, a Certificate of Approval
11 will be issued. An approval may be limited by
12 conditions that the Board deems necessary to
13 carry out the intent of this Ordinance.

14 E. Denial of Application. If the Board denies a
15 sign application, a Certificate of Approval will
16 not be issued. The Board must state its reasons
17 in writing and advise the applicant.

18 SECTION 3.5-P - Sign Review Board

19 A. Creation - A Sign Review Board is hereby created
20 and established by this Ordinance. The word
21 "Board" when used in this section shall be con-
22 strued to mean the Sign Review Board.

23 B. Membership

24 (1) The Board shall consist of five (5) members
25 appointed by the Mayor. Members shall be
26 residents of the City of Fort Wayne or pro-
27 perty owners and/or tenants within the
28 Calhoun Street Sign District. One member
29 shall also be a member of the Fort Wayne
30 City Plan Commission, two members shall
31 own or lease property within the Calhoun
32 Sign District, and two members-at-large

shall be knowledgeable in sign design, graphic arts, or a related field. No member shall be employed by the City of Fort Wayne.

- (2) Terms of Board members shall be staggered as follows: two (2) members for three (3) years, two (2) members for two (2) year terms, and one (1) member for one (1) year commencing on _____ and expiring on _____. Thereafter, voting members shall each serve for a term of three (3) years. A vacancy shall be filled through appointment by the Mayor only for the unexpired duration of the term.

- (3) Members of the Board shall serve without compensation.

C. Organization

- (1) The Board shall elect from its members a chairman, and vice-chairman, who shall serve for one (1) year and may be re-elected.
- (2) The Board shall hold regular meetings, at least monthly, except when it has no business pending. Special meetings may be called in a manner determined by the Board in its rules.
- (3) Technical assistance to the Board shall be provided by the Department of Community Development and Planning.
- (4) All meetings of the Board shall be open to the public and a public record of the Board's resolutions, proceedings, and actions shall be kept.

2 (5) The Board shall adopt rules consistent with
3 this ordinance for the transaction of its
4 business. The rules shall include, but not
5 be limited to, the following:

- 6 a. time and place of regular meetings
7 b. a procedure for the calling of special
8 meetings.

9 (6) An official action of the Board shall re-
10 quire a consensus of a majority of its
11 members. A quorum of three (3) members
12 must be present for the Board to take
13 action.

14 (7) Any person or party aggrieved by a decision
15 or action taken by the Board shall be en-
16 titled to a review by the Common Council
17 of the City of Fort Wayne.

18 D. Powers of the Board - The Board shall have the
19 power and duty to hear and decide sign proposals
20 within the Calhoun Street Sign District. The
21 Board shall be concerned with those elements of
22 sign design and installation as set forth in this
23 Ordinance and the Design Manual adopted by the
24 Board.

25 SECTION 3.5-9 - Enforcement

26 It shall be the duty of the Director of Community
27 Development and Planning or a designated representative to report
28 possible violations hereof to the City Attorney.

29 SECTION 3.5-10 - Penalties

30 Any person who violates any provision of this ordi-
31 nance shall, upon conviction, be subject to a fine of not less
32 than Ten Dollars (\$10.00) nor more than Three Hundred Dollars

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(\$300.00) for each offence. Each day of the existence of any violation of this Chapter shall be a separate offence.

SECTION 3.5-11 - Severability

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

SECTION 3.5-12. This Ordinance shall be in full force and effect upon passage and approval by the Mayor, and legal publication thereof.

APPROVED AS TO FORM
AND LEGALITY

Bruce O. Boxberger, City Attorney

Janet G. Bradbury.
Councilmember

Division of Community Development & Planning

BRIEF TITLE Calhoun Street

APPROVAL DEADLINE

REASON

Mall Sign and Awning

Ordinance

DETAILS

Specific Location and/or Address

Calhoun Street between Washington and Berry Streets

Reason for Project

The purpose of this ordinance is to establish standards and regulations for signs within the Calhoun Street Sign District Boundaries. The intent is to provide for adequate business identification, advertising, and communication while protecting property values, preserving the architectural integrity of the buildings, and the enhancing of the physical appearance of the area.

Discussion (Including relationship to other Council actions)

POSITIONS

RECOMMENDATIONS

Sponsor Division of Community Dev. & Planning

Area Affected
Calhoun St. between Berry St. and Washington Blvd.

City Wide

Other Areas

Applicants/Proponents

Applicant(s) Norman A. Abbott

City Department Community Development and Planning

Other Calhoun Street Merchants

Opponents

Groups or Individuals

Basis of Opposition

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By N/A

☐ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS
(For Council use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date

Projected Completion or Occupancy

Date

Fact Sheet Prepared by

Date

Reviewed by

Date

Reference or Case Number

Read the first time in full and on motion by Bradbury, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S.

DATE: 11-13-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 11-27-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXTATION) ~~(APPROPRIATION)~~ (GENERAL) (SPECIAL) ~~(ZONING MAP)~~ ORDINANCE (RESOLUTION) NO. 9-35-84 on the 27th day of November, 1984,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

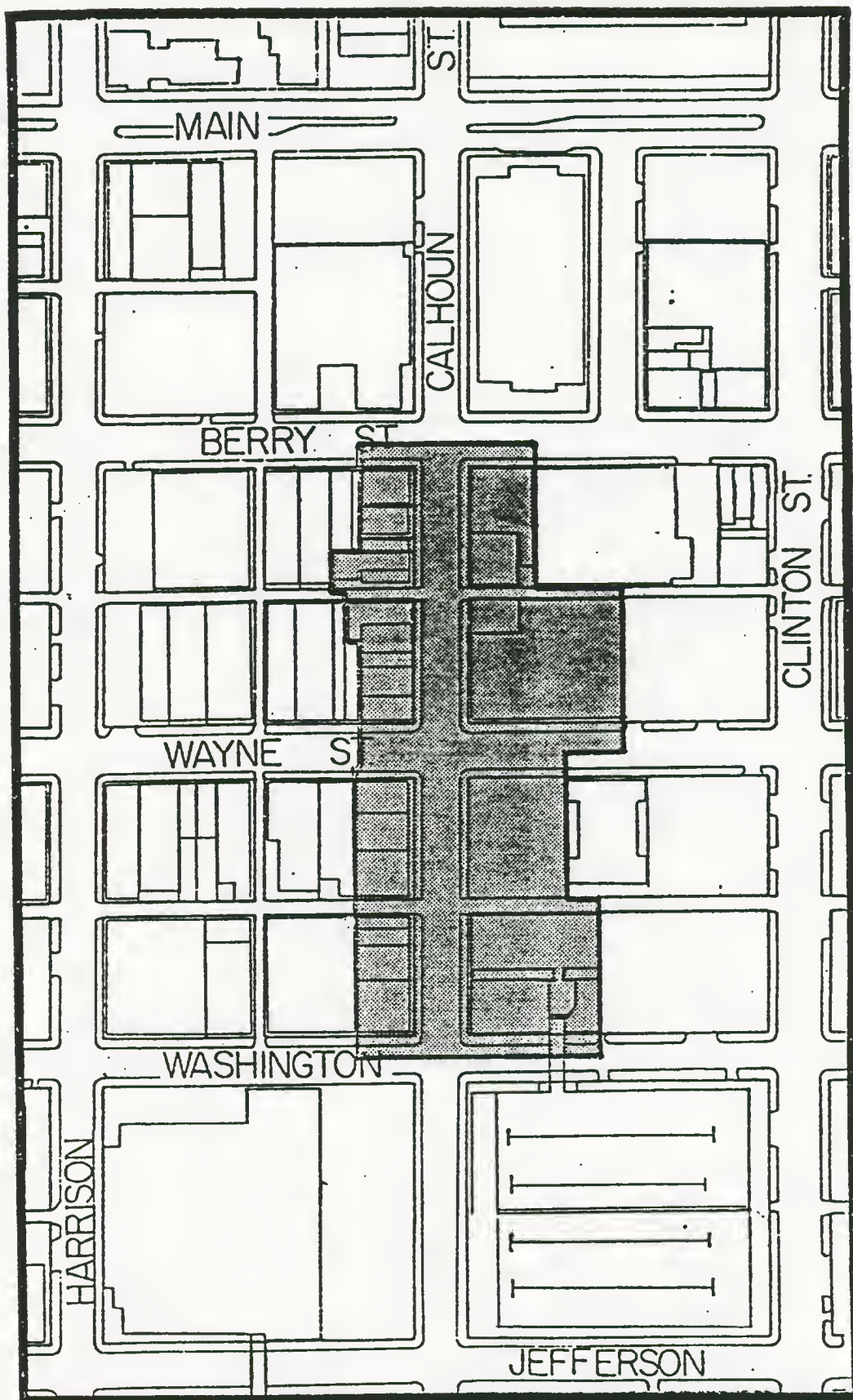
Ray A. E. E. E.
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1984, at the hour of 11:30 o'clock A. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of November, 1984, at the hour of 11:00 o'clock A. .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR



CALHOUN STREET SIGN DISTRICT

Division of Community Development & Planning

BRIEF TITLE Calhoun Street

APPROVAL DEADLINE

REASON

Mall Sign and Awning
Ordinance

DETAILS

Specific Location and/or Address

Calhoun Street between Washington and Berry
Streets

Reason for Project

The purpose of this ordinance is to establish standards and regulations for signs within the Calhoun Street Sign District Boundaries. The intent is to provide for adequate business identification, advertising, and communication while protecting property values, preserving the architectural integrity of the buildings, and the enhancing of the physical appearance of the area.

Discussion (Including relationship to other Council actions)

POSITIONS

RECOMMENDATIONS

Sponsor Division
of Community
Dev. & PlanningArea Affected
Calhoun St.
between
Berry St. and
Washington
Blvd.

City Wide

Other Areas

Applicants/
Proponents

Applicant(s) Norman A. Abbott

City Department Community
Development and PlanningOther Calhoun Street
Merchants

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☒ For ☐ Against

Reason Against

Board or
Commission
Recommendation

By N/A

☐ For ☐ Against
☐ No Action Taken☐ For with revisions to condition
(See Details column for condition)CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass ☐ Other
☐ Pass (as
amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS**POLICY/ PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date

Projected Completion or Occupancy

Date

Fact Sheet Prepared by

Date

Reviewed by

Date

Reference or Case Number

CD & P

BILL NO. G-84-11-21

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE adding a chapter to the Municipal Code of the City of
Fort Wayne, Indiana, dealing with sign and awning requirements for the
Calhoun Street Mall

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

<u>JANET G. BRADBURY, CHAIRWOMAN</u>	<u>Janet G. Bradbury</u>
<u>SAMUEL J. TALARICO, VICE CHAIRMAN</u>	
<u>CHARLES B. REDD</u>	<u>Charles B. Redd</u>
<u>MARK E. GIAQUINTA</u>	<u>Mark E. Giaquinta</u>
<u>JAMES S. STIER</u>	

CONCURRED IN 11-27-84
SANDRA E. KENNEDY, CITY CLERK

DIGEST SHEET

TITLE OF ORDINANCE Calhoun Street Sign and Awning Ordinance 9-84-11-21
DEPARTMENT REQUESTING ORDINANCE Community Development and Planning
SYNOPSIS OF ORDINANCE The purpose of this ordinance is to establish standards
and regulations for signs within the Calhoun Street Sign District Boundaries.
The intent is to provide for adequate business identification, advertising,
and communication while protecting property values, preserving the archi-
techural integrity of the buildings, and the enhancing of the physical
appearance of the area.

EFFECT OF PASSAGE The sign ordinance promotes the use of high quality
sign materials, appropriate sign placement, and the use of good sign
design principles. Well designed signs play a vital role in the city's
efforts to enhance and upgrade the Calhoun Street shopping environment.

EFFECT OF NON-PASSAGE Many, many undesirable signs could concievably
be erected, creating an unsightly hodgepodge that works against the
efforts to upgrade the shopping environment.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____



The City of Fort Wayne

December 4, 1984

Ms. Trudy Sterling
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Sterling:

Please give the attached full coverage on the dates
of December 7 and December 14, 1984, in both the
News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-84-11-21
Signs and Awning Requirements

Please send us 4 copies of the Publisher's Affidavit
from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 27th day of
November, 1984, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-84-11-21 --- General
Ordinance No. G-35-84 to-wit:

BILL NO. G-84-11-21

SPECIAL ORDINANCE NO. G- 35-84

AN ORDINANCE adding a chapter to the
Municipal Code of the City of Fort
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WHEREAS, such a sign and awning ordinance shall become
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NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
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CALHOUN STREET MALL SIGN AND AWNING ORDINANCE

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- 3.5-8: Sign Review Board


1 Page Fifteen

2 (\$300.00) for each offence. Each day of the existence of any viola-
3 tion of this Chapter shall be a separate offence.

4 SECTION 3.5-11 - Severability

5 If any section, clause, provision, or portion of this
6 Ordinance is adjudged unconstitutional or invalid by a court of
7 competent jurisdiction, the remainder of this ordinance shall not
8 be affected thereby.

9 SECTION 3.5-12. This Ordinance shall be in full force
10 and effect upon passage and approval by the Mayor, and legal pub-
11 lication thereof.

12 
13 Councilmember
14

Read the third time in full and on motion by Bradbury, seconded
by Stier, and duly adopted, placed on its passage. PASSED by the
following vote:

Ayes: Nine
Bradbury, burns, Eisbart, GiaQuinta, Henry, Redd,
Schmidt, Stier, Talarico
Nays: None

Date: 11-27-84

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as General Ordinance No. G-35-84 on the 27th day of
November, 1984.

ATTEST: (SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 28th day of November, 1984, at the hour of 11:30 o'clock A.M.,
E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 29th day of November, 1984, at
the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify
that the above and foregoing is a full, true and complete copy of

General Ordinance No. G-35-84,
passed by the Common Council on the 27th day of
November, 19 84, and that said Ordinance was
duly signed and approved by the Mayor on the 29th day of

Fort Wayne Common Council
(Governmental Unit)
Allen
County, IN

To JOURNAL-GAZETTE
P.O. BOX 100
FORT WAYNE, INDIANA
Dr.

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of line

Total number

1

462

COMPUTATION OF CHARGES

462 lines, ...
cents per line

Additional charge for no

Charge for extra proofs

TOTAL AMOUNT

DATA FOR COMPUTING COST

Width of single column

Number of insertions

Pursuant to the provision and penalties of

LEGAL NOTICE

Notice is hereby given that on the 27th day of November, 1984, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-84-11-21 - General Ordinance No. G-35-84 to-wit:

BILL NO. G-84-11-21
SPECIAL ORDINANCE NO. G-35-84
AN ORDINANCE adding a chapter to the Municipal Code of the City of Fort Wayne, Indiana, dealing with sign and awning requirements for the Calhoun Street Mall.

WITNESSETH:

WHEREAS, the City has developed the Calhoun Street Mall in furtherance of its efforts to enhance and upgrade the Calhoun Street shopping environment and to beautify and improve downtown Fort Wayne;

WHEREAS, so that there may be adequate business identification and advertising for businesses within the Calhoun Street Mall in a fashion that protects property values, preserves architectural integrity and enhances the physical appearance of the areas, a sign and awning ordinance is necessitated; and

WHEREAS, such a sign and awning ordinance shall become part of the Municipal Code so that proper and uniform enforcement may be accomplished.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,

That there is hereby added to the Municipal Code of the City of Fort Wayne, Chapter 3-5 entitled "Calhoun Street Sign and Awning Ordinance." Said ordinance is as follows:

CALHOUN STREET MALL
SIGN AND AWNING ORDINANCE

Sections:

- 3-5-1: Purpose and Intent
- 3-5-2: Applicability
- 3-5-3: Establishment of Sign District and Design Criteria
- 3-5-4: Definitions
- 3-5-5: Sign Classification and Design Criteria
- 3-5-6: Non-Conforming Signs
- 3-5-7: Certificate of Approval
- 3-5-8: Sign Review Board
- 3-5-9: Enforcement
- 3-5-10: Penalties
- 3-5-11: Severability

SECTION 3-5-1 - Purpose and Intent

The purpose of this Ordinance is to promote the public health, safety, and welfare of the citizens of Fort Wayne by establishing standards and regulations for signs within the Calhoun Street Sign District boundaries as referenced in Section 3-5-3 hereof. It is the intent of this Ordinance to provide for adequate business identification, advertising, and communication while creating a more positive economic and business environment through the protection of property values, the preservation of architectural integrity of the buildings, and the enhancement of the physical appearance of the area.

SECTION 3-5-2 - Applicability

All signs within the Calhoun Street Sign District shall be governed by the standards and regulations set forth in this Ordinance.

SECTION 3-5-3 - Establishment of Sign District

The area of Calhoun Street between Berry Street and Washington Street shall be known as the Calhoun Street Sign District. The boundaries of this District shall be more particularly described as follows:

Subdivision 1, 2, 3, 4, 5, 6 of Lot 106, lots 107, 108, 128, 129, 130, 131, and the east 20 feet of lot 132, 167, 168, 188, 189 and 190 of Original Plat, lots 1, 2, 3, 4, 5, 6, 7 of Wolke's Subdivision; lots 1, 2, 3, 4, 5, 6, 7, 8 of Schmitt's Subdivision and shall extend to the

centerline of all contiguous public right-of-way of said lots. See attached map made a part hereof.

SECTION 3-5-4 - Definitions

For the purpose of this ordinance, the following words and terms are defined:

A. "Awning" - A rooflike cover extending before a building that is not permanently affixed to the building.

B. "Certificate of Approval" - A document showing that a sign proposal has met the Sign Review Board's approval.

C. "Sign" - Any name, identification, description, display, logo, or symbol which is affixed to, hung on, painted, represented directly or indirectly upon a building (including a window/door area) or structure which is in view of the general public and which directs attention to a person, place, product, activity, institution, organization, or business. Included within the definition of sign are the following types of signs:

(1) Awning Sign - Any sign which is located on an awning.

(2) Banner Sign - Any sign made of lightweight material either enclosed or not enclosed in a rigid frame, which may allow the movement of the sign by the air.

(3) Building Identification Sign - Any sign which states only the name of the building itself and is an integral part of the architecture.

(4) Business Identification Sign - Any sign which identifies the person, the establishment, the principal product and/or service available at a business.

(5) Construction Sign - Any sign giving the name(s) of architects, contractors, financiers, and others responsible for the construction on the site where the sign is placed.

(6) Copyrighted Signs - Any sign offering information or incidental services such as VISA, MasterCard, AAA, PSLIC, etc.

(7) Directory Sign - Any sign on which the names and locations of occupants is given.

(8) Freestanding Sign - Any sign which is not attached to a building but is supported on poles, frames, or other similar structures. The sign may or may not be portable.

(9) Off-Premise Sign - Any sign located on premises other than those of the business or activity it is intended to describe or identify.

(10) Permanent Sign - Any sign intended to be erected and maintained for more than thirty (30) days.

(11) Projecting Sign - Any sign which projects from and is supported by, or attached to, a wall, roof, or canopy of a building.

(12) Real Estate Sign - Any sign which is used to offer for sale or lease the property upon which the sign is located.

(13) Roof Sign - Any sign erected entirely upon or over the roof of any building and supported solely on the roof structure.

(14) Temporary Sign - Any sign that is erected and maintained for not more than thirty (30) days, except for temporary business identification signs which shall be allowed for sixty (60) days.

(15) Trademark Sign - Any sign which shows registered trademarks or portrayals of specific commodities.

(16) Wall or Flat Sign - Any sign attached to and erected parallel to the building face. This includes individual letters applied to the building face.

(17) Window/Door Sign - Any permanent sign painted, gold-leafed, or attached onto the glass area or installed behind a window for viewing through the window from the outside of the premises.

SECTION 3-5-5 - Sign Classification and Design Criteria

A. Permitted Signs - No Certificate of Approval Necessary.

(1) Building Identification Signs - One sign per building provided the sign does not exceed three (3) square feet in area.

(2) Construction Signs - One sign per building or site which is under construction, structural alteration, or repair provided the sign shall not exceed nine (9) square feet in area. Sign shall be removed within seven (7) days after completion of construction, structural alteration, or repair.

(3) Copyrighted Signs - These shall be aggregated together and placed in an unobtrusive location on a window or door area of a business.

(4) Plaques - Commemorative or historical plaques not to exceed three (3) square feet in area.

(5) Public Signs - Commemorative or historical plaques not to exceed three (3) square feet in area.

(6) Real Estate Signs - One sign per property for sale, rent, lease, or exchange of property not to exceed nine (9) square feet in area. Signs shall be removed within seven (7) days of agreement concerning sale, rent, lease, or exchange of property.

(7) Temporary Signs -

(a) Special Event - Non-electric temporary signs easels, etc., for use during a special Mall-wide event such as an art show, bargain days or the like shall be allowed only during the event or sale. Signs must be constructed in a sturdy fashion and placed so as not to impede pedestrian circulation. Signs must be taken inside at the end of each business day during the event.

(b) Window Signs and Displays - Any sign/display temporarily attached to a window and displayed to call attention to a temporary sale of merchandise, change in status of business, grand opening, or the like.

(c) Business Identification Sign - Any temporary sign erected while a business is undergoing construction or renovation which prohibits placement of a permanent sign until a later date. The temporary sign may not exceed the anticipated size of the permanent sign. If a temporary business identification sign should remain longer than sixty (60) days, a Certificate of Approval shall be required.

B. Permitted Signs - Certificate of Approval Necessary.

(1) A Certificate of Approval is required for all signs not permitted by Section 3-5-5-A and not prohibited by Section 3-5-5-C.

(2) Permitted signs shall only identify the person, the establishment, the principal product, and/or service available on the premises which contains the

sign.

(3) Illumination of signs is permitted. Lighting source, design, and placement shall be compatible with the sign and business type.

(4) Wall or Flat signs shall meet the following criteria:

(a) One permanent sign per establishment unless the business is located on a corner lot, then one sign per street frontage.

(b) The sign shall not protrude more than twelve (12) inches from the building face.

(c) The sign shall be compatible with the architectural detailing (such as windows, pilasters, cornices, decorative work) of the building on which it is located.

(d) Where a signboard area exists, the sign shall be placed on the signboard area between the ground floor and second story.

(e) Businesses on upper floors shall be limited to a non-luminous wall sign not to exceed four (4) square feet in area.

(5) Window/Door Signs shall meet the following criteria:

(a) One permanent sign shall be allowed per window or door.

(b) The area of a permanent window sign will be limited to twenty-five (25) percent of each window area, except in the case of a door sign which may be fifty (50) percent of the glass area.

(6) Awnings and Awning Signs shall meet the following criteria:

(a) Awnings shall be made of canvas, vinyl-coated canvas, woven acrylic, or other suitable outdoor fabric. Metal, plastic, or other rigid materials are prohibited unless an integral part of the original design of the building.

(b) Signs must be painted, printed, stamped upon, or otherwise made integral to the awning.

(c) The lower edge of any awning shall be at least seven (7) feet above the sidewalk.

(d) An awning or awning sign shall not project more than six (6) feet from the building facade.

(7) Directory Signs shall meet the following criteria:

(a) One permanent sign per building.

(b) The sign shall be flush-mounted and no larger than four (4) square feet.

C. Prohibited Signs

(1) Projecting Signs.

(2) Roof signs.

(3) Billboards and other off-premise signs.

(4) Free-standing signs, except as part of a special event.

(5) Signs that are painted directly on a building surface.

(6) Blinking, flashing, or moving signs other than barber poles.

(7) Banner Signs, except those that are an integral part of the Mall's banner pylons.

(8) Obsolete signs - Any sign which advertises or relates to a business no longer on the premise shall be required to be removed within one month of the time the business vacates the building. The owner of the building shall be responsible for accomplishing this.

(9) Trademark signs, unless the trademark represents the principle product or service sold or conducted on the premises.

SECTION 3-5-6 - Non-Conforming Signs

A. Legal Non-Conforming Signs - Any sign located within the Calhoun Street Sign District on the effective date hereof is permitted to remain provided the sign was authorized by any necessary permits or a variance prior to the date of the passage of this Ordinance, if one was required under any other applicable law.

B. Loss of Legal Non-Conforming Status - Notwithstanding Section 3-5-6-A, a sign that is prohibited by this ordinance or that does not conform to the standards set forth in this ordinance shall immediately lose its legal status if:

(1) The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance).

(2) The sign is relocated.

(3) The sign is replaced.

(4) The sign has not been repaired or properly maintained within one month after notice to that effect has been given by the Director of Community Development and Planning or a designated representative.

SECTION 3-5-7 - Certificate of Approval

A. All signs within the Calhoun Street Sign District that were not affixed to buildings on the effective date of this Ordinance shall require a Certificate of Approval unless they are exempt under Section 3-5-5-A. Furthermore, a Certificate of Approval is required before:

(1) An existing sign can be altered or relocated.

(2) A new sign can be constructed and installed.

B. Application Procedure - Application for a Certificate of Approval shall be made to the Department of Community Development and Planning. The application shall be forwarded to the Sign Review Board for consideration at the next regularly scheduled meeting. To help the Board in reviewing the application, the applicant shall submit the following:

(1) Plans showing the placement of the sign on the building on which it will be located.

(2) A rendering of the sign drawn to scale showing the area, dimensions, materials, color, and character of the sign.

(3) A photograph showing the building in which the sign will be located and the neighboring buildings.

(4) A cross-section showing the method of fastening or supporting the sign.

(5) In the case of an awning or awning sign, the vertical distance between the awning and the sidewalk, and the horizontal distance from the outside edge of the awning to the building facade must be shown.

C. Review of Application - In reviewing the application, the Sign Review Board shall consider the following:

(1) The compliance of the sign with the provisions of this Ordinance.

(2) The clarity and legibility of the sign's message.

(3) The relationship and compatibility of the sign

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Fort Wayne Common Council
(Governmental Unit)
Allen
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To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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(b) The sign shall not protrude more than twelve (12) inches from the building face.
(c) The sign shall be compatible with the architectural detailing (such as windows, pilasters, cornices, decorative work) of the building on which it is located.
(d) Where a signboard area exists, the sign shall be placed on the signboard area between the ground floor and second story.
(e) Businesses on upper floors shall be limited to a non-luminous wall sign not to exceed four (4) square feet in area.
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(c) The lower edge of any awning shall be at least seven (7) feet above the sidewalk.
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SECTION 3.5-6 - Non-Conforming Signs
A. Legal Non-Conforming Signs - Any sign located within the Calhoun Street Sign District on the effective date hereof is permitted to remain provided the sign was authorized by any necessary permits or a variance prior to the date of the passage of this Ordinance, if one was required under any other applicable law.
B. Loss of Legal Non-Conforming Status - Notwithstanding Section 3.5-6-A, a sign that is prohibited by this ordinance or that does not conform to the standards set forth in this ordinance shall immediately lose its legal status if:
(1) The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance).
(2) The sign is relocated.
(3) The sign is replaced.
(4) The sign has not been repaired or properly maintained within one month after notice to that effect has been given by the Director of Community Development and Planning or a designated representative.
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(1) An existing sign can be altered or relocated.
(2) A new sign can be constructed and installed.
B. Application Procedure - Application for a Certificate of Approval shall be made to the Department of Community Development and Planning. The application shall be forwarded to the Sign Review Board for consideration at the next regularly scheduled meeting. To help the Board in reviewing the application, the applicant shall submit the following:
(1) Plans showing the placement of the sign on the building on which it will be located.
(2) A rendering of the sign drawn to scale showing the area, dimensions, materials, color, and character of the sign.
(3) A photograph showing the building in which the sign will be located and the neighboring buildings.
(4) A cross-section showing the method of fastening or supporting the sign.
(5) In the case of an awning or awning sign, the vertical distance between the awning and the sidewalk, and the horizontal distance from the outside edge of the awning to the building facade must be shown.
C. Review of Application - In reviewing the application, the Sign Review Board shall consider the following:
(1) The compliance of the sign with the provisions of this Ordinance.
(2) The clarity and legibility of the sign's message.
(3) The relationship and compatibility of the sign

with the character of the building on which it will be located.
(4) The relationship and compatibility of the sign with adjacent structures and public spaces.
D. Approval of Application. Once the sign application has been reviewed and approved by the Sign Review Board, a Certificate of Approval will be issued. An approval may be limited by conditions that the Board deems necessary to carry out the intent of this Ordinance.
E. Denial of Application. If the Board denies a sign application, a Certificate of Approval will not be issued. The Board must state its reasons in writing and advise the applicant.
SECTION 3.5-8 - Sign Review Board
A. Creation - A Sign Review Board is hereby created and established by this Ordinance. The word "Board" when used in this section shall be construed to mean the Sign Review Board.
B. Membership
(1) The Board shall consist of five (5) members appointed by the Mayor. Members shall be residents of the City of Fort Wayne or property owners and/or tenants within the Calhoun Street Sign District. One member shall also be a member of the Fort Wayne City Plan Commission, two members shall own or lease property within the Calhoun Sign District, and two members-at-large shall be knowledgeable in sign design, graphic arts, or a related field. No member shall be employed by the City of Fort Wayne.
(2) Terms of Board members shall be staggered as follows: two (2) members for three (3) years, two (2) members for two (2) year terms, and one (1) member for one (1) year commencing on and expiring on
Thereafter, voting members shall each serve for a term of three (3) years. A vacancy shall be filled through appointment by the Mayor only for the unexpired duration of the term.
(3) Members of the Board shall serve without compensation.
C. Organization
(1) The Board shall elect from its members a chairman, and vice-chairman, who shall serve for one (1) year and may be re-elected.
(2) The Board shall hold regular meetings, at least monthly, except when it has no business pending. Special meetings may be called in a manner determined by the Board in its rules.
(3) Technical assistance to the Board shall be provided by the Department of Community Development and Planning.
(4) All meetings of the Board shall be open to the public and a public record of the record of the Board's resolutions, proceedings, and actions shall be kept.
(5) The Board shall adopt rules consistent with this ordinance for the transaction of its business. The rules shall include, but not be limited to, the following:
a. time and place of regular meetings
b. a procedure for the calling of special meetings.
(6) An official action of the Board shall require a consensus of a majority of its members. A quorum of three (3) members must be present for the Board to take action.
(7) Any person or party aggrieved by a decision or action taken by the Board shall be entitled to a review by the Common Council of the City of Fort Wayne.
D. Powers of the Board - The Board shall have the power and duty to hear and decide sign proposals within the Calhoun Street Sign District. The Board shall be concerned with those elements of sign design and installation as set forth in this Ordinance and the Design Manual adopted by the Board.
SECTION 3.5-9 - Enforcement
It shall be the duty of the Director of Community Development and Planning or a designated representative to report possible violations hereof to the City Attorney.
SECTION 3.5-10 - Penalties
Any person who violates any provision of this ordinance shall, upon conviction, be subject to a fine of not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) for each offence. Each day of the existence of any violation of this Chapter shall be a separate offence.
SECTION 3.5-11 - Severability
If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
SECTION 3.5-12. This Ordinance shall be in full force and effect upon passage and approval by the Mayor, and legal publication thereof.
Janet G. Bradbury, Councilmember
Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:
Ayes: Nine - Bradbury, Burns, Eisbart, GieQuinta, Henry, Redd, Schmidt, Stier, Talerico
Nays: None
Date: 11-27-84
Sandra E. Kennedy, City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-35-84 on the 27th day of November, 1984.
Attest: Sandra E. Kennedy, City Clerk
Ben A. Eisbart, Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1984, at the hour of 11:30 o'clock A.M., E.S.T.
Sandra E. Kennedy, City Clerk
Approved and signed by me this 29th day of November, 1984, at the hour of 11:00 o'clock A.M., E.S.T.
Win Moses, Jr., Mayor
I, The Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-35-84 passed by the Common Council on the 27th day of November, 1984, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of November, 1984, and now remains on file and on record in my office.
Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of November, 1984.
Sandra E. Kennedy,
City Clerk

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Pursuant to the provision

LEGAL NOTICE

Notice is hereby given that on November, 1984, the Common Council of Fort Wayne, Indiana, in a Regular Session following Bill No. G-84-11-21 - General Ordinance No. G-35-84 to-wit: BILL NO. G-84-11-21

SPECIAL ORDINANCE NO. AN ORDINANCE adding a chapter to the Code of the City of Fort Wayne, Indiana, relating to signs and awning requirements for the Mall.

WITNESSETH:

WHEREAS, the City has developed the Mall in furtherance of its efforts to upgrade the Calhoun Street shopping area and to beautify and improve downtown Fort Wayne;

WHEREAS, so that there may be adequate identification and advertising for businesses within the Calhoun Street Mall in a fashion that preserves architectural values, enhances the physical appearance of and awning ordinance is necessitated;

WHEREAS, such a sign and awning ordinance is necessary to the uniform enforcement of the Municipal Code of the City of Fort Wayne;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

That there is hereby added to the Municipal Code of the City of Fort Wayne, Chapter 3-5, the following:

CALHOUN STREET MALL SIGN AND AWNING ORDINANCE

Sections:

3.5-1: Purpose and Intent

3.5-2: Applicability

3.5-3: Establishment of Sign Districts

Criteria:

3.5-4: Definitions

3.5-5: Sign Classification and Design

3.5-6: Non-Conforming Signs

3.5-7: Certificate of Approval

3.5-8: Sign Review Board

3.5-9: Enforcement

3.5-10: Penalties

3.5-11: Severability

SECTION 3.5-1 - Purpose and Intent

The purpose of this Ordinance is to regulate the use of signs within the Calhoun Street Mall in a fashion that preserves architectural values, enhances the physical appearance of and awning ordinance is necessitated;

WHEREAS, such a sign and awning ordinance is necessary to the uniform enforcement of the Municipal Code of the City of Fort Wayne;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

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Head	number of lines		1
Body	number of lines		462
Tail	number of lines		2
Total number of lines in notice			465

COMPUTATION OF CHARGES

465	lines,	1	columns wide equals	465	equivalent lines at	.450¢	\$	209.25
cents per line								
Additional charge for notices containing rule or tabular work (50 per cent of above amount)								
Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra								1.00
TOTAL AMOUNT OF CLAIM								\$ 210.25

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type 6 point
Number of insertions 2	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Dec. 14, 19 84

Drusilla Rose

Title CLERK

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PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Rose who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

12/7 - 12/14/84

Subscribed and sworn to me before this 14th day of December 19 84

Anne M. Perkins
Notary Public

My commission expires November 29, 1985

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines 1
Body number of lines 462
Tail number of lines 2
Total number 465

COMPUTATION OF CHARGES

465 lines, ... cents per line
Additional charge for no
Charge for extra proofs C
TOTAL AMOUNT
Equivalent lines at .450¢ \$ 209.25
2 extra 1.00
\$ 210.25

DATA FOR COMPUTING COST

Width of single column 12
Number of insertions ...
6 point
upon which type is cast 6

Pursuant to the provision and penalties of C
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LEGAL NOTICE

Notice is hereby given that on the 27th day of November, 1984, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. G-84-11-21 - General Ordinance No. G-35-84 to-wit:

BILL NO. G-84-11-21
SPECIAL ORDINANCE NO. G-35-84
AN ORDINANCE adding a chapter to the Municipal Code of the City of Fort Wayne, Indiana, dealing with sign and awning requirements for the Calhoun Street Mall.

WITNESSETH:

WHEREAS, the City has developed the Calhoun Street Mall in furtherance of its efforts to enhance and upgrade the Calhoun Street shopping environment and to beautify and improve downtown Fort Wayne;

WHEREAS, so that there may be adequate business identification and advertising for businesses within the Calhoun Street Mall in a fashion that protects property values, preserves architectural integrity and enhances the physical appearance of the areas, a sign and awning ordinance is necessitated; and

WHEREAS, such a sign and awning ordinance shall become part of the Municipal Code so that proper and uniform enforcement may be accomplished.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

There is hereby added to the Municipal Code of the City of Fort Wayne, Chapter 3-5 entitled "Calhoun Street Sign and Awning Ordinance." Said ordinance is as follows:

CALHOUN STREET MALL
SIGN AND AWNING ORDINANCE

- Sections:
- 3.5-1: Purpose and Intent
 - 3.5-2: Applicability
 - 3.5-3: Establishment of Sign District and Design Criteria
 - 3.5-4: Definitions
 - 3.5-5: Sign Classification and Design Criteria
 - 3.5-6: Non-Conforming Signs
 - 3.5-7: Certificate of Approval
 - 3.5-8: Sign Review Board
 - 3.5-9: Enforcement
 - 3.5-10: Penalties
 - 3.5-11: Severability
- SECTION 3.5-1 - Purpose and Intent

The purpose of this Ordinance is to promote the public health, safety, and welfare of the citizens of Fort Wayne by establishing standards and regulations for signs within the Calhoun Street Sign District boundaries as referenced in Section 3.5-3 hereof. It is the intent of this Ordinance to provide for adequate business identification, advertising, and communication while creating a more positive economic and business environment through the protection of property values, the preservation of architectural integrity of the buildings, and the enhancement of the physical appearance of the area.

SECTION 3.5-2 - Applicability
All signs within the Calhoun Street Sign District shall be governed by the standards and regulations set forth in this Ordinance.

SECTION 3.5-3 - Establishment of Sign District
The area of Calhoun Street between Berry Street and Washington Street shall be known as the Calhoun Street Sign District. The boundaries of this District

(3) Illumination of signs is permitted. Lighting source, design, and placement shall be compatible with the sign and business type.

(4) Well or Flat signs shall meet the following criteria:

(a) One permanent sign per establishment unless the business is located on a corner lot, then one sign per street frontage.

(b) The sign shall not protrude more than twelve (12) inches from the building face.

(c) The sign shall be compatible with the architectural detailing (such as windows, pilasters, cornices, decorative work) of the building on which it is located.

(d) Where a signboard area exists, the sign shall be placed on the signboard area between the ground floor and second story.

(e) Businesses on upper floors shall be limited to a non-luminous wall sign not to exceed four (4) square feet in area.

(5) Window/Door Signs shall meet the following criteria:

(a) One permanent sign shall be allowed per window or door.

(b) The area of a permanent window sign will be limited to twenty-five (25) percent of each window area, except in the case of a door sign which may be fifty (50) percent of the glass area.

(6) Awnings and Awning Signs shall meet the following criteria:

(a) Awnings shall be made of canvas, vinyl-coated canvas, woven acrylic, or other suitable outdoor fabric. Metal, plastic, or other rigid materials are prohibited unless an integral part of the original design of the building.

(b) Signs must be painted, printed, stamped upon, or otherwise made integral to the awning.

(c) The lower edge of any awning shall be at least seven (7) feet above the sidewalk.

(d) An awning or awning sign shall not project more than six (6) feet from the building facade.

(7) Directory Signs shall meet the following criteria:

(a) One permanent sign per building.

(b) The sign shall be flush-mounted and no larger than four (4) square feet.

C. Prohibited Signs

(1) Projecting Signs.

(2) Roof signs.

(3) Billboards and other off-premise signs.

(4) Free-standing signs, except as part of a special event.

(5) Signs that are painted directly on a building surface.

(6) Blinking, flashing, or moving signs other than barber poles.

(7) Banner Signs, except those that are an integral part of the Mall's banner pylons.

(8) Obsolete signs - Any sign which advertises or relates to a business no longer on the premise shall be required to be removed within one month of the time the business vacates the building. The owner of the building shall be responsible for accomplishing this.

(9) Trademark signs, unless the trademark represents the principle product or service sold or conducted on the premises.

SECTION 3.5-6 - Non-Conforming Signs

A. Legal Non-Conforming Signs - Any sign located within the Calhoun Street Sign District on the effective date hereof is permitted to remain provided the sign was authorized by any necessary permits or a variance prior to the date of the passage of this Ordinance, if one was required under any other applicable law.

B. Loss of Legal Non-Conforming Status - Notwithstanding Section 3.5-6-A, a sign that is prohibited by this ordinance or that does not conform to the standards set forth in this ordinance shall immediately lose its legal status if:

(1) The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance)

(2) The sign is relocated.

(3) The sign is replaced.

(4) The sign has not been repaired or properly maintained within one month after notice to that effect has been given by the Director of Community Development and Planning or a designated representative.

SECTION 3.5-7 - Certificate of Approval

A. All signs within the Calhoun Street Sign District that were not affixed to buildings on the effective date of this Ordinance shall require a Certificate of Approval unless they are exempt under Section 3.5-6-A. Furthermore, a Certificate of Approval is required before:

(1) An existing sign can be altered or relocated.

(2) A new sign can be constructed and installed.

B. Application Procedure - Application for a Certificate of Approval shall be made to the Department of Community Development and Planning. The application shall be forwarded to the Sign Review Board for consideration at the next regularly scheduled meeting. To help the Board in reviewing the application, the applicant shall submit the following:

(1) Plans showing the placement of the sign on the building on which it will be located.

(2) A rendering of the sign drawn to scale showing the area, dimensions, materials, color, and character of the sign.

(3) A photograph showing the building in which the sign will be located and the neighboring buildings.

(4) A cross-section showing the method of fastening or supporting the sign.

(5) In the case of an awning or awning sign, the vertical distance between the awning and the sidewalk, and the horizontal distance from the outside edge of the awning to the building facade must be shown.

C. Review of Application - In reviewing the application, the Sign Review Board shall consider the following:

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines
Subdivision 1, 2, 3, 4, 5, 6 of Lot 106, lots 107, 108, 128, 129, 130, 131, and the east 20 feet of lot 132, 167, 168, 188, 189 and 190 of Original Plat; lots 1, 2, 3, 4, 5, 6, 7 of Woike's Subdivision; lots 1, 2, 3, 4, 5, 6, 7, 8 of Schmitt's Subdivision and shall extend to the centerline of all contiguous public right-of-way of said lots. See attached map made a part hereof.
SECTION 3.5-4 - Definitions
For the purpose of this ordinance, the following words and terms are defined:
A. "Awning" - A rooftop cover extending before a building that is not permanently affixed to the building.
B. "Certificate of Approval" - A document showing that a sign proposal has met the Sign Review Board's approval.
C. "Sign" - Any name, identification, description, display, logo, or symbol which is affixed to, hung on, painted, represented directly or indirectly upon a building (including a window/door area) or structure which is in view of the general public and which directs attention to a person, place, product, activity, institution, organization, or business. Included within the definition of sign are the following types of signs:
(1) Awning Sign - Any sign which is located on an awning.
(2) Banner Sign - Any sign made of lightweight material either enclosed or not enclosed in a rigid frame, which may allow the movement of the sign by the air.
(3) Building Identification Sign - Any sign which states only the name of the building itself and is an integral part of the architecture.
(4) Business Identification Sign - Any sign which identifies the person, the establishment, the principal product and/or service available at a business.
(5) Construction Sign - Any sign giving the name(s) of architects, contractors, financiers, and others responsible for the construction on the site where the sign is placed.
(6) Copyrighted Sign - Any sign offering information or incidental services such as VISA, MasterCard, AAA, FSLIC, etc.
(7) Directory Sign - Any sign on which the names and locations of occupants is given.
(8) Freestanding Sign - Any sign which is not attached to a building but is supported on poles, frames, or other similar structures. The sign may or may not be portable.
(9) Off-Premise Sign - Any sign located on premises other than those of the business or activity it is intended to describe or identify.
(10) Permanent Sign - Any sign intended to be erected and maintained for more than thirty (30) days.
(11) Projecting Sign - Any sign which projects from and is supported by, or attached to, a wall, roof, or canopy of a building.
(12) Real Estate Sign - Any sign which is used to offer for sale or lease the property upon which the sign is located.
(13) Roof Sign - Any sign erected entirely upon or over the roof of any building and supported solely on the roof structure.
(14) Temporary Sign - Any sign that is erected and maintained for not more than thirty (30) days, except for temporary business identification signs which shall be allowed for sixty (60) days.
(15) Trademark Sign - Any sign which shows registered trademarks or portrayals of specific commodities.
(16) Wall or Flat Sign - Any sign attached to and erected parallel to the building face. This includes individual letters applied to the building face.
(17) Window/Door Sign - Any permanent sign painted, gold-leafed, or attached onto the glass area or installed behind a window for viewing through the window from the outside of the premises.
SECTION 3.5-5 - Sign Classification and Design Criteria
A. Permitted Signs - No Certificate of Approval Necessary.
(1) Building Identification Signs - One sign per building provided the sign does not exceed three (3) square feet in area.
(2) Construction Signs - One sign per building or site which is under construction, structural alteration, or repair provided the sign shall not exceed nine (9) square feet in area. Sign shall be removed within seven (7) days after completion of construction, structural alteration, or repair.
(3) Copyrighted Signs - These shall be aggregated together and placed in an unobtrusive location on a window or door area of a business.
(4) Plaques - Commemorative or historical plaques not to exceed three (3) square feet in area.
(5) Public Signs - Commemorative or historical plaques not to exceed three (3) square feet in area.
(6) Real Estate Signs - One sign per property for sale, rent, lease, or exchange of property not to exceed nine (9) square feet in area. Signs shall be removed within seven (7) days of agreement concerning sale, rent, lease, or exchange of property.
(7) Temporary Signs -
(a) Special Event - Non-electric temporary signs easels, etc., for use during a special Mall-wide event such as an art show, bargain days or the like shall be allowed only during the event or sale. Signs must be constructed in a sturdy fashion and placed so as not to impede pedestrian circulation. Signs must be taken inside at the end of each business day during the event.
(b) Window Signs and Displays - Any sign/display temporarily attached to a window and displayed to call attention to a temporary sale of merchandise, change in status of business, grand opening, or the like.
(c) Business Identification Sign - Any temporary sign erected while a business is undergoing construction or renovation which prohibits placement of a permanent sign until a later date. The temporary sign may not exceed the anticipated size of the permanent sign. If a temporary business identification sign should remain longer than sixty (60) days, a Certificate of Approval shall be required.
B. Permitted Signs - Certificate of Approval Necessary.
(1) A Certificate of Approval is required for all signs not permitted by Section 3.5-5-A and not prohibited by Section 3.5-5-C.
(2) Permitted signs shall only identify the person, the establishment, the principal product, and/or service available on the premises which contains the sign.
(1) The compliance of the sign with the provisions of this Ordinance.
(2) The clarity and legibility of the sign's message.
(3) The relationship and compatibility of the sign with the character of the building on which it will be located.
(4) The relationship and compatibility of the sign with adjacent structures and public spaces.
D. Approval of Application. Once the sign application has been reviewed and approved by the Sign Review Board, a Certificate of Approval will be issued. An approval may be limited by conditions that the Board deems necessary to carry out the intent of this Ordinance.
E. Denial of Application. If the Board denies a sign application, a Certificate of Approval will not be issued. The Board must state its reasons in writing and advise the applicant.
SECTION 3.5-8 - Sign Review Board
A. Creation - A Sign Review Board is hereby created and established by this Ordinance. The word "Board" when used in this section shall be construed to mean the Sign Review Board.
B. Membership
(1) The Board shall consist of five (5) members appointed by the Mayor. Members shall be residents of the City of Fort Wayne or property owners and/or tenants within the Calhoun Street Sign District. One member shall also be a member of the Fort Wayne City Plan Commission, two members shall own or lease property within the Calhoun Sign District, and two members-at-large shall be knowledgeable in sign design, graphic arts, or a related field. No member shall be employed by the City of Fort Wayne.
(2) Terms of Board members shall be staggered as follows: two (2) members for three (3) years, two (2) members for two (2) year terms, and one (1) member for one (1) year commencing on and expiring on . Thereafter, voting members shall each serve for a term of three (3) years. A vacancy shall be filled through appointment by the Mayor only for the unexpired duration of the term.
(3) Members of the Board shall serve without compensation.
C. Organization
(1) The Board shall elect from its members a chairman, and vice-chairman, who shall serve for one (1) year and may be re-elected.
(2) The Board shall hold regular meetings, at least monthly, except when it has no business pending. Special meetings may be called in a manner determined by the Board in its rules.
(3) Technical assistance to the Board shall be provided by the Department of Community Development and Planning.
(4) All meetings of the Board shall be open to the public and a public record of the record of the Board's resolutions, proceedings, and actions shall be kept.
(5) The Board shall adopt rules consistent with this ordinance for the transaction of its business. The rules shall include, but not be limited to, the following:
a. time and place of regular meetings
b. a procedure for the calling of special meetings.
(6) An official action of the Board shall require a consensus of a majority of its members. A quorum of three (3) members must be present for the Board to take action.
(7) Any person or party aggrieved by a decision or action taken by the Board shall be entitled to a review by the Common Council of the City of Fort Wayne.
D. Powers of the Board - The Board shall have the power and duty to hear and decide sign proposals within the Calhoun Street Sign District. The Board shall be concerned with those elements of sign design and installation as set forth in this Ordinance and the Design Manual adopted by the Board.
SECTION 3.5-9 - Enforcement
It shall be the duty of the Director of Community Development and Planning or a designated representative to report possible violations hereof to the City Attorney.
SECTION 3.5-10 - Penalties
Any person who violates any provision of this ordinance shall, upon conviction, be subject to a fine of not less than Ten Dollars (\$10.00) nor more than Three Hundred Dollars (\$300.00) for each offence. Each day of the existence of any violation of this Chapter shall be a separate offence.
SECTION 3.5-11 - Severability
If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
SECTION 3.5-12. This Ordinance shall be in full force and effect upon passage and approval by the Mayor, and legal publication thereof.
Janef G. Bradbury, Councilmember
Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:
Ayes: Nine - Bradbury, Burns, Eisbart, Gialquinta, Henry, Redd, Schmidt, Stier, Talarico
Nays: None
Date: 11-27-84
Sandra E. Kennedy, City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-35-84 on the 27th day of November, 1984.
Attest: Sandra E. Kennedy, City Clerk
Ben A. Eisbart, Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 28th day of November, 1984, at the hour of 11:30 o'clock A.M., E.S.T.
Sandra E. Kennedy, City Clerk
Approved and signed by me this 29th day of November, 1984, at the hour of 11:00 o'clock A.M. E.S.T.
Win Moses, Jr., Mayor
I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-35-84 passed by the Common Council on the 27th day of November, 1984, and that said Ordinance was duly signed and approved by the Mayor on the 29th day of November, 1984, and now remains on file and on record in my office.
Witness my hand, and the official seal of the City of Fort Wayne, Indiana, this 29th day of November, 1984.
Sandra E. Kennedy, City Clerk

1
462
2
465
equivalent lines at .450¢ \$ 209.25
above amount) 1.00
2 extra \$ 210.25

6 point
upon which type is cast 6
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Drusilla Rose
CLERK
Title

LISHER'S AFFIDAVIT
otary public in and for said county and state, the
POSE who, being duly sworn, says
of the
newspaper of general circulation printed and published
ORT WAYNE, INDIANA
at the printed matter attached hereto is a true copy,
two times
the dates of publication being

14/84
December 19 84
Perkins Notary Public
29, 1985

Form Prescribed by State Board of Accounts

Fort Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

1

Body number of lines

462

Tail number of lines

2

Total number of lines in notice

465

COMPUTATION OF CHARGES

465 lines, 1 columns wide equals 465 equivalent lines at450¢ \$ 209.25
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

1.00

Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra

\$ 210.25

TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Rose
.....

Title CLERK

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PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Rose who, being duly sworn, says

that he/she is CLERK of the

..... NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published

in the English language in the city town of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy,
two times the date of publication being